IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7437 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DIVISIONAL CONTROLLER

Versus

SHAKARAJI H DABHI

Appearance:

1. Special Civil Application No. 7437 of 1989

MR HARDIK C RAWAL for Petitioner No. 1

MR MUKESH H RATHOD for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI

Date of decision: 13/02/2004

ORAL JUDGEMENT

#. When this petition is called out, it is pointed out that the respondent is already reinstated pursuant to the order of the Labour Court and he has been serving since

long as a Conductor. The Labour Court has awarded 50% of the backwages while reinstating the respondent whose misconduct was absence from duty for a period of four to five months.

#. In view of the fact that the employee has been reinstated since 10th February, 1989 and he has been working as an employee of the petitioner-Corporation, the learned counsel for the petitioner-Corporation states that if 50% backwages awarded by the Labour Court are given up by the respondent, the petitioner will give up the challenge against the order of the reinstatement. The learned counsel for the respondent states that the respondent gives up his claim to 50% of the backwages as awarded by the Labour Court under the impugned award.

#. By consent of both the sides, the impugned award shall stand modified to the effect that while reinstating the respondent-employee, no backwages shall be payable to the respondent. The respondent-employee shall stand reinstated with continuity of service without backwages. The award of the Labour Court stands modified accordingly. Rule is made absolute in these terms with no order as to costs.

[R.K. ABICHANDANI, J.]
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